

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

MARK A. WARD,

Plaintiff,

v.

Civil Action File No.: 1:08CV00054

PETER E. MALONEY, Plan
Administrator,

and

JOHN T. McDONALD,

Defendants.

DEFENDANTS' MOTION FOR PRE-FILING INJUNCTION
AND REQUEST FOR ORAL ARGUMENT

NOW COME the Defendants, Peter E. Maloney and John T. McDonald, by counsel, and move this Court for entry of a Pre-Filing Injunction Order against Plaintiff, Mark Ward, requiring Plaintiff to obtain leave of Court before filing any lawsuit which is related directly or indirectly to this lawsuit. In support of this Motion, Defendants state as follows:

1. Federal courts have inherent authority "to impose pre-filing injunctions to limit access to the courts by vexatious and repetitive litigants." Cromer v. Kraft Foods North America Inc., 390 F.3d 812, 817 (4th Cir. 2004); See also 28 U.S.C. § 1651(a). Pre-filing injunctions should be imposed "sparingly," but are warranted under "exigent circumstances, such as a litigant's continuous abuse of the judicial process by filing meritless and repetitive actions." Id. at 817-18.

2. As demonstrated in Defendants' supporting Brief, and by Plaintiff's litigation history attached as Exhibit 1, Plaintiff has proven that he will continue to abuse the judicial

system and harass the Defendants, their attorneys and agents until the Court orders him to stop bringing suits without prior approval. Based on his long history of harassing and vexatious litigation, the test for pre-filing injunctions set forth in Cromer weighs heavily against Plaintiff. Therefore, the Defendants respectfully request that this Honorable Court enter an appropriate pre-filing injunction order barring Plaintiff from filing any future lawsuits, motions or related actions, which are directly or indirectly related to this suit, in any Court whether state or federal, without first obtaining leave of Court.

3. In further support of this Motion, Defendants submit to the Court the Order of the U.S. District Court for the Eastern District of Virginia in Mark A. Ward v. WAVY Broadcasting, Inc. and LIN Television Corp., Case No. 2:99 CV 461 (E.D. Va., Sept. 30, 2002) (attached as Exhibit 2 to this Motion), and the Order of this Court in Mark A. Ward v. Peter E. Maloney, Plan Administrator, Case No. 1:05 CV 424 (M.D.N.C., July 30, 2007) (attached as Exhibit 3 to this Motion).

4. Pursuant to L.R. 7.3(c)(1), Defendants request oral argument on this Motion. Oral argument is appropriate in this case because of the complex and serious nature of the issue before the Court. Specifically, the egregious litigation abuse at issue spans multiple jurisdictions and many years, involves numerous defendants and claims, and is not easily condensed and conveyed within the confines of these Motion papers. Thus, a hearing would provide the parties, as well as the Court, ample and fair opportunity to address the exceptional relief which Defendants submit is warranted.

WHEREFORE, Defendants, Peter E. Maloney and John T. McDonald, respectfully request, for the reasons more fully explained in Defendants' Brief in Support of this Motion, that this Court enter an Order enjoining Plaintiff Mark A. Ward from filing, without prior leave of

this Court, any further lawsuit, motion, or related action in state or federal court, against the following individuals:

1. Defendant Peter E. Maloney, individually or as Plan Administrator;
2. Any successor to Mr. Maloney as Plan Administrator;
3. John T. McDonald;
4. LIN Television Corporation or any of its parent companies, subsidiaries, affiliates or successors in interest including, but not limited to WAVY-TV;
5. Any employee, officer, director, member, shareholder or agent (including legal counsel) of LIN or any of the other entities or individuals listed above;
6. Willcox and Savage, P.C. or any of its, officers, directors, members, employees, or agents;
7. Womble, Carlyle, Sandridge & Rice, P.L.L.C. or any of its officers, directors, members, shareholders, partners, employees, or agents; or
8. Any other person, business, organization, or other entity (subject to the limitation below).

Defendants request that this injunction apply only if such action by Plaintiff arises from, or is related to (directly or indirectly), the present action, or any of Plaintiff's previous related litigation set forth in Exhibit 1 to Defendants' Motion for Pre-Filing Injunction, and that the Court grant such further relief as it deems just and appropriate.

Dated this the 7th day of May, 2008.

/s/ John E. Pueschel
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*Counsel for Defendants, Peter E. Maloney
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Certificate Of Service

I hereby certify that I electronically filed the foregoing pleading, **DEFENDANTS' MOTION FOR PRE-FILING INJUNCTION AND REQUEST FOR ORAL ARGUMENT** with the Clerk of the Court using the CM/ECF system and that a true and accurate copy was sent via U.S. mail to Mark A. Ward, Plaintiff, at 170 Summit Street, #21, Rural Hall, North Carolina 27045, on this 7th day of May, 2008.

/s/ John E. Pueschel

John E. Pueschel

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